

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 6:21-cr-138-SPS

DEVIN WARREN SIZEMORE,

Defendant.

**UNITED STATES' UNOPPOSED MOTION TO EXTEND ITS DEADLINE TO
RESPOND TO DEFENDANT'S MOTIONS AND
TO CONTINUE MOTION HEARING DATE**

COMES NOW the United States of America, by and through CHRISTOPHER J. WILSON, Acting United States Attorney for the Eastern District of Oklahoma, Chief, United States Department of Justice Organized Crime & Gang Section, DAVID L. JAFFE, and Trial Attorney, Rebecca R. Dunnan, and respectfully request until March 14, 2022 to respond to the Defendant's Motions, Doc. Nos. 46-58 and to continue the Motion Hearing to April 6, 2022. In support of this motion, the United States provides the following:

1. On February 21, 2022, counsel for the defendant filed twelve motions and a notice: a Motion to Suppress (Doc. No. 46); Motion to Dismiss Count Four (Doc. No. 47); Motion to Dismiss Count Six (Doc. No. 48); eight separate Motions in Limine (Doc. Nos. 50-57); a Motion to Compel Disclosure (Doc. No. 58); and Notice of Insanity Defense (Doc. No. 49).
2. Currently, under Local Rule 12.1, February 28, 2022 is the due date for the United States' responses.

3. The defendant's motions are voluminous and represent novel and complex legal issues. The United States needs additional time to research and brief the issues presented. Furthermore, counsel for the government was out of the country from February 21, 2022 through February 25, 2022. Moreover, in response to the defendant's Notice of Insanity Defense (Doc. No. 49), the government intends to file a motion requesting a continuance of the previously scheduled trial date of April 5, 2022 pursuant to 18 U.S.C. § 3161(h)(1)(A), in order to procure and have the defendant evaluated by a government expert. Currently, a pre-trial conference is scheduled for March 24, 2022, however in this forthcoming motion, the government will request that trial-tethered scheduling dates be extended.

4. Following the filing of defense motions, the Court set a Motion Hearing for March 9, 2022 (Doc. No. 62). The government further requests that said motion be continued to April 6, 2022 in order to provide adequate time for the above-requested motion response and preparation.

5. On February 28, 2022, counsel for the United States and counsel for the defendant conferred via telephone, and counsel for the defendant does not object to the relief requested in this motion.

6. For these reasons, the ends of justice served by granting the requested relief, and specifically, a continuance of the Motion Hearing, outweigh any public or defendant-specific interest in a speedy hearing. *See* 18 U.S.C. § 3161(h)(7).

WHEREFORE, the United States respectfully requests this Court set **March 14, 2022** as the due date for its responses to the Defendant's Motions, Doc. Nos. 46-58 and to

continue the Motion Hearing to **April 6, 2022**.

Respectfully submitted,

CHRISTOPHER J. WILSON
Acting United States Attorney

DAVID L. JAFFE
Chief, Organized Crime and Gang Section

/s/ Rebecca R. Dunnan
Rebecca R. Dunnan
Trial Attorney
U.S. Department of Justice
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CERTIFICATE OF SERVICE

I certify that on February 28, 2022, I electronically transmitted the foregoing to the Clerk of the Court and to the following:

Lisa Peebles, Counsel for Defendant

s/ Rebecca R. Dunnan

Rebecca R. Dunnan
Trial Attorney